

REMARKS

Claims 35-43 have been withdrawn. Claims 27, 34 and 51 were previously cancelled, and claims 28-33 were previously withdrawn without prejudice or disclaimer. Subsequent to the entry of the present amendment, claims 1-26, and 44-50 are pending in this application.

Responsive to the Restriction Requirement mailed on October 14, 2009, the Applicant hereby elects, with traverse, Species I, “a fountain system that includes fluidic diverters, a vortex amplifier with a vortex chamber structure,” which encompasses claims 1 to 26 and 44 to 50. Applicant requests that Species I be rejoined with Species II for the following reasons. The Office alleges that the “species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species.” Applicant respectfully disagrees. The inventions of Species I and II are related. Both Species I and II are directed towards a fountain system, and both Species contain diverters. Therefore, the search burden for Species II would be minimized and when properly combined with Species I does not place a serious search burden upon the Office. As a result, Applicant respectfully request the recombination of Species I and II for examination purposes.

In view of the above amendments and remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant’s undersigned representative if there are any questions relating to this application.

No fees are believed due in connection with the filing of this paper. However, if any fees are due, the Commissioner is hereby authorized to charge any fees, or make any credits, to Deposit Account No. 19-2090 referencing the above-identified attorney docket number.

Respectfully Submitted,

SHELDON MAK ROSE & ANDERSON

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